

Office of Professional Accountability (OPA)

Commendations & Complaints Report

March 2004

Commendations:

Commendation Received in March: 44

Commendations Received to Date: 256

Rank	Summary
(1) Officer	An officer participated and shared personal experiences and thoughts in the annual Cultural Diversity Affairs Council celebration. Thanks were received for helping to create an inspirational afternoon.
(2) Officers	Two officers assisted during an incident at a local school. The officers were commended for continually providing updated information to administration officials until the situation was resolved.
(1) Officer	An officer was commended for his demonstrated bravery and professionalism. He took a great personal risk in his efforts to capture a violent armed suspect.
(1) Officer	A family received unsolicited assistance from an officer when he noticed an older gentleman struggle to walk. The officer assisted the elderly man and grandson to their destination.
(1) Officer	A citizen praised an officer for his professionalism, kindness and thoroughness even after he was stopped and issued a ticket for a traffic violation.
(2) Detectives (1) Officer	Two detectives and an officer initiated an investigation on a suspected residence dealing in drugs. Through their thoroughness and excellent work, a criminal was removed from the streets.
(3) Officers	Three officers assisted a local law enforcement agency and were dedicated to serve on an investigation. The officers demonstrated they were excellent professional representatives of the department, and their assistance was much appreciated.
(1) Captain	A business association expressed their appreciation to a Captain for the dedicated leadership to their area of town.
(1) Officer (1) Dispatcher	An officer and a dispatcher were extremely helpful, understanding and exhibited the utmost professionalism during a very difficult sensitive situation. The officer and dispatcher explained procedures, provided basic information and several resources to contact for additional assistance.
(1) Officer	A responding officer assisted in a minor collision of two vehicles. The officer is an asset to the department and his professionalism, courtesy and helpfulness to citizens in the area has not gone unnoticed.
(3) Officers	Three officers responded to a 911 call of an individual menacing passersby and yielding a large weapon. The officers' were commended for their willingness to put themselves in harm's way to protect the citizens and community.
(1) Officer	A patrol officer observed a male several times in separate situations, attempting to lure females into his vehicle. The officer was commended for his dedication and thorough investigation in this incident, which could have been tragic had he not intervened.
(1) Officer	A business manager expressed his appreciation for an officer who handled a very difficult situation. His professional attitude and efforts to ensure safety to employees and surrounding businesses was remarkable.
(2) Officers	Two officers responded to a Fraud/Identify theft incident with a suspect being detained. Both officers went far beyond their duty and were commended for an outstanding job and recovery of stolen items.
(2) Officers	Two officers assisted when a bus jackknifed due to inclement weather. The citizen

	respected the great working relationship the Seattle Police Department has with local residents.
(2) Officers	The victim of a home robbery invasion was very grateful for the unbelievable prompt action of two officers. They were highly professional, followed through with the investigation and solved the case.
(1) Officer	An early morning telephone call from a friendly officer informed a citizen his vehicle had been vandalized. The officer was informative, compassionate and was not in a hurry to get to "more important big crimes." His actions were exemplary.
(1) Officer	An officer assisted a school program and provided a tour of the Mounted Patrol Horse barn. Thanks were extended to the officer for the commitment in providing time and education to students in science, math and technology.
(2) Officers	Two officers displayed the utmost compassion, sensitivity, patience and professionalism to a distraught female who had just learned of a tragedy involving a close friend's family member. The officers were able to make necessary telephone calls and lend the mental and emotional support. They were remarkable.
(2) Officers	Two officers were very supportive and respectful when they intervened in a family dispute. Thanks go out to these officers for the difficult job they endure daily.
(1) Officer	A family thanked and commended an officer for his tremendous assistance when a personal stressful situation took place in their home. The officer patiently and thoroughly investigated the emergency call. The sympathy and support he showed for the traumatized family was very caring and professional. Thank you again.
(3) Officers	Three officers were dispatched to a business regarding a domestic disturbance. Witnesses had intervened in the disturbance until the officer's arrived and were able to perform preliminary investigations. The incident, witnessed by customers and employees, left them feeling very distraught. Everyone truly appreciated the assistance of the officers.
(1) Lieutenant	A Lieutenant visited a family at their residence to discuss concerns on how to make their neighborhood a safer place to live. The residents were impressed with the Lieutenant's advice as well as his perspective on the situation.
(1) Detective	A detective was assigned to an Internet/Fraud complaint. The detective is an asset to the department and the victim was truly grateful for the "take charge" and "can do" attitude, coupled with the detective's level of professionalism. Thanks to his exceptional computer knowledge, all losses were recovered.
(1) Officer	An officer spoke to a local college class on policing as a career. The tips provided to the students on how they can be successful in pursuing a policing career will be invaluable to their future. The students gained a realistic perspective of how a career in policing could progress.
(1) Officer	An elderly couple became separated at a local exhibit. The officer calmed the distraught citizen and located the lost spouse. The kind-hearted officer seemed to find great satisfaction in devoting herself to public service. Thank you!
(2) Officers	Two officers were commended for the way they handled a volatile neighborhood incident. Both of the officers were well informed, well prepared and had prior history of the suspect due to their continued work and involvement in the neighborhood. The officers have the citizen's utmost respect and the appreciation of the entire neighborhood.
(1) Officer	Commendations were extended to an officer that has continually counseled a citizen and tried to have him see things in a different light. The department is fortunate to have officers like him working for them.

March 2004 Closed Cases:

Cases involving alleged misconduct of officers and employees in the course of their official public duties are summarized below. Identifying information has been removed.

Cases are reported by allegation type. One case may be reported under more than one category.

UNNECESSARY FORCE

Synopsis	Action Taken
Complainant alleged that the subject was, without good cause, grabbed and thrown to the ground by officers.	An investigation was conducted. The complainant did not witness the subject's arrest, and the subject did not cooperate with the investigation. The subject had a felony arrest warrant, noting that he was considered armed and dangerous. When the named officer attempted to arrest the subject, he resisted and assaulted the officer. Both the subject and officer received injuries. The force used was documented, screened, and reported. Finding – ADMINISTRATIVELY EXONERATED.
Complainant alleged the named officers used unnecessary force during her arrest in response to an assault-with-weapons call.	The complainant was a suspect in a stabbing. The officers used force to contain and handcuff the subject. The evidence showed she ignored commands, resisted arrest, and became combative with the named officers. The force used was documented, screened, and reported. A non-police witness confirmed that the subject was resisting and that the officers used reasonable and appropriate force. Finding – ADMINISTRATIVELY EXONERATED.
Complainant alleged named officer used unnecessary force during the arrest of a protester.	The complainant's allegation of force was inconsistent with the photographs and with the force described by officers. The complainant refused to cooperate further and never supplied photographs allegedly supporting his allegations. The subject likewise refused to contact the investigator. A minimal amount of force was reported by the arresting officer. The subject was interviewed at the precinct and made no complaints. Finding – ADMINISTRATIVELY UNFOUNDED.
The complainant alleged unnecessary force was used in his arrest following a contact for trespassing.	The evidence indicated that the complainant assaulted an officer and became violent when he was placed under arrest. The complainant's statement was very inconsistent and did not have credibility. Both the complainant and a co-arrestee admitted that the complainant was banging against the prisoner van and kicking the window, and the photographs and reports are inconsistent with the alleged injuries. Finding – ADMINISTRATIVELY UNFOUNDED.
Complainant alleged the named officers used unnecessary force during a response to a disturbance outside a downtown club.	The subject and his friend lacked credibility. Both were intoxicated, and gave inconsistent statements. The subject stated he wanted to drop the complaint. An independent witness stated that the subject struggled with officers and tried to run away. The use of force that was used was documented and reported. Finding – ADMINISTRATIVELY UNFOUNDED.
Complainant alleged that named officers used unnecessary force when they arrested the subject.	The evidence proved this allegation to be without merit. The subject has an extensive criminal history and gave a demonstrably false timeline of events. The subject's booking photo is inconsistent with his allegations, and his alleged witnesses would not cooperate with the

	<p>investigation. The subject was interviewed at the precinct and at jail and was not observed to have any injuries. Finding – ADMINISTRATIVELY UNFOUNDED.</p>
<p>The complainant alleged that during a protest event in 2000, one officer used unnecessary force and another used profanity on the subject.</p>	<p>As a result of a civil claim filed by the subject, OPA investigated the allegations of force and conduct unbecoming. The officer who allegedly used unnecessary force could not be identified. The booking photo showed no injury, but otherwise this claim could not be resolved. As to an unknown employee, the finding was NOT SUSTAINED. As to the allegation of profanity, the evidence tended to substantiate that the named employee made an inappropriate remark, but it could not be determined what was said. As the incident did not come under investigation until two-and-a-half years after the event, the officer's failure of memory should not be used against him. Finding – NOT SUSTAINED.</p>
<p>Complainants allege unnecessary force was used during their contact over a pedestrian violation.</p>	<p>An investigation showed the evidence was conflicting regarding this incident. The officers claimed the subjects were argumentative and intoxicated, and did not comply with demands, causing them to use minor force to control the subjects. The subjects claimed the officers overacted, and used force that was not necessary. Finding – NOT SUSTAINED.</p>
<p>It was alleged that officers used unnecessary force during the subject's arrest.</p>	<p>The subject, who has an extensive criminal history, was driving a vehicle that fled from officers. During the pursuit, the subject tossed narcotics and a handgun from the vehicle. The subject then stopped the car and fled on foot. The subject was apprehended by a K-9 dog, who bit the subject in the leg. Two officers then took the subject to the ground. The force was documented, screened, and reported. The booking photos show only minor facial abrasions consistent with the force described by the officers. Finding – ADMINISTRATIVELY EXONERATED.</p>
<p>It was alleged that the named officers used unnecessary force in arresting a subject who had exposed himself in public. The complainant also alleged that one of the officers did not provide identification when asked.</p>	<p>The evidence showed that the subject ran from officers who were trying to contact him, then struggled with them to avoid handcuffing. One of the named officers used two distraction strikes to the subject's chest and face to enable the other officer to handcuff him. The force was documented, screened, and reported. When interviewed by a sergeant at the precinct, the subject did not complain of unnecessary or excessive force. The witnesses gave inconsistent accounts of the incident, and the photographs do not support the force claimed. Finding – EXONERATED. Further, the evidence showed that the officer did provide his name and badge number when asked. Finding – UNFOUNDED.</p>
<p>The complainant alleged the named officer used unnecessary force when he was contacted for investigation of a disturbance with a handgun-involved call. The complainant also alleged that the officer made inappropriate and profane remarks.</p>	<p>A thorough investigation was conducted. The officer stated he held the subject against a fence to prevent the subject from spitting on him. The complainant gave a consistent statement that more than passive force was used. The evidence did not establish excessive force by a preponderance. Finding – NOT SUSTAINED. Likewise, the allegations of profane and inappropriate remarks could not be proven. Finding – NOT SUSTAINED.</p>
<p>Complainant alleged the named officer grabbed her daughter and</p>	<p>The investigation showed the complaint to be without merit. The subject and her sister were involved in a fight with two</p>

swung her to the ground during a contact for a fight disturbance.	other individuals. Six witnesses state that the named officer did not throw the subject to the ground or use any excessive force. The named officer stated that he had to pull the combatants off of each other, but that he did not throw the subject to the ground. The subject and her sister did not respond to numerous requests for contact. Finding – UNFOUNDED.
Complainant alleged the named officer kicked her son when he was arrested.	The named officer stated that he used a 'foot-trap' to pin the subject's hand after he reached into his pocket. The witness officer confirms this version. A co-arrestee described the action as a kick, but his statement was somewhat equivocal. The subject did not cooperate in the investigation. The weight of the evidence supports the officers. Finding – EXONERATED.
An anonymous complainant alleged the named officer used unnecessary force when contacting the subject for jaywalking.	The evidence showed that the subject fell back against a trailer on his own. The named officer and two witness officers support this. The subject was located, but did not provide a statement. The subject did not complain of unnecessary force. The evidence shows the subject was intoxicated during the incident. Finding – UNFOUNDED.
It was alleged that the named officer used unnecessary force when he arrested the subject.	The subject was a suspect in a serious "tagging" incident and ran from the police when caught in the act. The subject collided with the named officer, and the officer says he continued to struggle while on the ground to be handcuffed. The officer stated that he used a knee in the back and placed a hand over the subject's ear to control him. The subject and his co-arrestee gave inconsistent accounts of the force, but both described kicks to the head. The evidence in the case is conflicting, and cannot be resolved by a preponderance of the evidence. Finding – NOT SUSTAINED.
Complainant alleged officers used unnecessary force when they arrested him for entering and refusing to leave a police facility.	The investigation produced evidence supporting the officers' use of force. The evidence showed that the complainant entered a police facility demanding to see his friend. When he refused to leave, he was escorted. The escort made him angry, he resisted further, and the officers had to take him to the ground for handcuffing. The force used was documented, screened, and reported. Finding – EXONERATED.
The complainant alleged that the named officers used unnecessary force when they arrested him after fleeing from a stolen vehicle.	The investigation showed that the subject fled from officers and became combative with officers. The named officers gave credible and consistent statements. The force they used was documented and reported. Photos did not support the subject's allegations. The subject did not cooperate with the investigation. Finding – EXONERATED.
Complainant alleged unnecessary force was used when he was contacted and detained for investigation of narcotics activity.	An investigation produced no evidence to support the allegation. All of the witnesses provided statements that no force was used on the subject at all. The subject failed to cooperate with the investigation. Finding – ADMINISTRATIVELY UNFOUNDED.

MISUSE OF AUTHORITY

Synopsis	Action Taken
It was alleged that the named officer, while on-duty, used his	Investigation showed that the officer did not ask jail personnel for special assistance, but that he did obtain

authority in order to enter the King County Jail to visit a relative who was an inmate.	services for his relative at the jail that he would not have been able to obtain as a private citizen. Finding – SUSTAINED.
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SAFEGUARDING/MISHANDLING EVIDENCE/PROPERTY

Synopsis	Action Taken
It was alleged that the named officers failed to safeguard the complainant's property during his arrest.	An investigation showed no evidence that supported the complainant's claim. His statement was inconsistent, he was intoxicated at the time of arrest, and he has a significant history of deception, including the use of multiple aliases. The arresting officers have a clear recollection of events, and deny the complainant had the claimed property in his possession. Finding – UNFOUNDED.

FAILURE TO TAKE APPROPRIATE ACTION

Synopsis	Action Taken
Complainant alleged the named employee responded to a report of injuries received in an assault and did not write an incident report.	The investigation showed that the complainant had injuries he claimed were the result of a serious assault by a co-worker. The named employee stated that she did not believe the complainant's report of an assault. Regardless, SPD policy and practice would have required an incident report under these circumstances. The actions and statements of the named employee, and her experience, indicated that she knew a report would be required. Finding – SUSTAINED.

Definitions of Findings:

“Sustained” means the allegation of misconduct is supported by a preponderance of the evidence.

“Not sustained” means the allegation of misconduct was neither proved nor disproved by a preponderance of the evidence.

“Unfounded” means a preponderance of evidence indicates the alleged act did not occur as reported or classified, or is false.

“Exonerated” means a preponderance of evidence indicates the conduct alleged did occur, but that the conduct was justified, lawful and proper.

Referred for Supervisory Resolution.

Training or Policy Recommendation means that there has been no willful violation but that there may be deficient policies or inadequate training that need to be addressed.

“Administratively Unfounded/Exonerated” is a discretionary finding which may be made prior to the completion that the complaint was determined to be significantly flawed procedurally or legally; or without merit, i.e., complaint is false or subject recants allegations, preliminary investigation reveals mistaken/wrongful employee identification, etc, or the employee’s actions were found to be justified, lawful and proper and according to training.

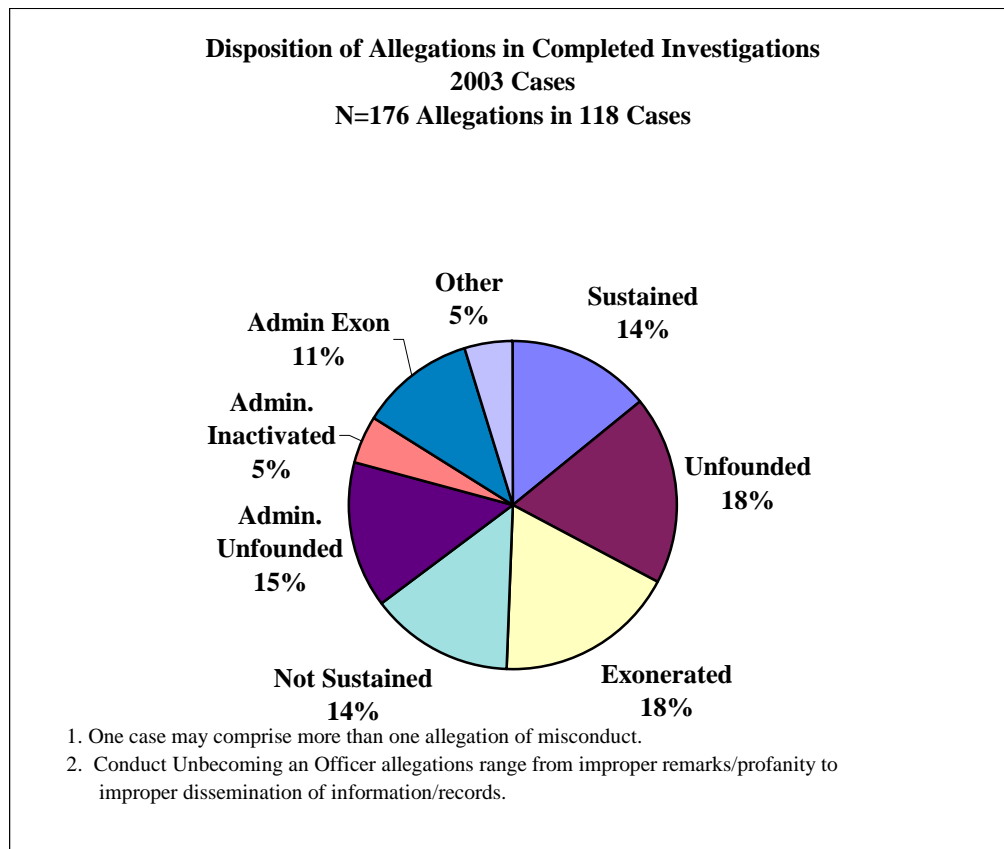
“Administratively Inactivated” means that the investigation cannot proceed forward, usually due to insufficient information or the pendency of other investigations. The investigation may be reactivated upon the discovery of new, substantive information or evidence. Inactivated cases will be included in statistics but may not be summarized in this report if publication may jeopardize a subsequent investigation.

Status of OPA Contacts to Date:

2003 Contacts

	December 2003	Jan-Dec 2003
Preliminary Investigation Reports	7	415
Cases Assigned for Supervisory Review	2	79
Cases Assigned for Investigation (IS;LI)	10	185
Cases Closed	15	118*
Commendations	70	861

*includes 2003 cases closed in 2004



2004 Contacts

	March 2004	Jan-Dec 2004
Preliminary Investigation Reports	30	79
Cases Assigned for Supervisory Review	6	13
Cases Assigned for Investigation (IS;LI)	17	52
Commendations	44	256